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# SUPPLEMENTARY BULLETIN

OF THE

# AMERICAN ART-UNION.

SERIES FOR 1851.]

DECEMBER.

[No. X.

## BULLETIN OF THE AMERICAN ART-UNION.



NEW-YORK, DECEMBER 1, 1852.

### TO THE MEMBERS OF THE AMERICAN ART-UNION FOR THE YEAR 1851.

THE Committee of Management deem it proper to accompany the Catalogue now forwarded to the members of the Art-Union, with a brief statement of the circumstances which have rendered necessary the sale of the works of art specified in it; and announced for sale on the 15th, 16th, and 17th of December next.

The question of the legality of the mode of distribution of the Art-Union, having arisen in the course of legal proceedings in this city, a suit was instituted in May last, by the District Attorney, for the purpose of obtaining the final decision of the Courts of this State upon the subject. The Committee of Management on behalf of the members, without opposing unnecessary obstacles to the proceedings thus instituted, deemed it their duty to secure the services of eminent counsel to represent and defend the Institution; and they retained Charles O'Connor, Esq., for that purpose. The cause was immediately brought to argument before the General Term of the Supreme Court for the District of New-York, and at the ensuing June Term, a majority of the Judges pronounced de-

cisions adverse to the mode of distribution. This decision not being unanimous, and the presiding Judge of the District having dissented from it, the Committee did not feel warranted in waiving the right of the members of the Institution to have the case carried by appeal to the Court of Appeals—the tribunal of last resort in this State. This was accordingly done, and the question underwent a full discussion before the Appellate Judges. It was insisted, among other points, by Mr. O'Connor, on behalf of the existing mode of distribution by lot, that it had been clearly authorized by the Act of the Legislature of January 29, 1844, amendatory of the Act of Incorporation, and that the terms of this Act were not repugnant to the provisions of the Constitution respecting lotteries. The Court of Appeals have, however, affirmed the judgment of the Supreme Court, and on the 22d October last, pronounced their decision to the effect that the mode of distribution was illegal and unconstitutional.

This decision does not affect the existence of the Art-Union as a corporate body, or deprive it of the franchises and privileges granted to it by its charter. It leaves the Institution to go on, under whatever plan of operations it may hereafter legally adopt. It is, however, finally decisive against the distribution by lot of the works of Art of the Institution. The Committee have, therefore, in submission to the judgment of the Court, announced that no such distribution will take place. They have further decided upon selling the works of art now in their possession, at public auction, in order to enable them to close the affairs of the Institution for the year 1851, which will be done as soon as practicable after the sale.

It will be observed, that besides the pictures which would have been distributed to the members of 1851 but for the adverse ruling of our Courts, there are many others included in the proposed sale, which had been purchased by the Committee, in the expectation, based on the

receipts of previous years, of a larger number of subscribers than were actually obtained. Many of these paintings, as well as those intended for distribution, are among the best works of their respective artists. A similar opportunity has never before been afforded for completing or forming private galleries of American pictures.

In conclusion, the Committee of Management beg leave to request the former members and friends of the Art-Union, who through many years co-operated for the promotion of the Fine Arts by means of its organization, to take an interest in, and attend the approaching sale; and by their liberal purchases, to attest their desire for the further advancement of the cause of Art.

### ENGRAVINGS FOR MEMBERS OF 1851.

THE Engravings for the year 1851, the completion of which has been delayed by the pendency of the recent legal proceedings respecting the Art-Union, are now being printed, and will be furnished to the members at as early a day as possible.

THE Committee have the pleasure to state, that Mr. DAVID AUSTEN, Jr., Auctioneer, of this city, has kindly offered to conduct the sale of works of Art belonging to the Institution, without charge.

MESSRS. D. APPLETON & Co., the extensive booksellers and publishers in this city, authorize the Committee to announce that they will make purchases at the sale on behalf of any members of the Institution in other places, who may not be able to attend. They will do this without any commission. Communications (post-paid) stating amounts to be bidden for particular works, may be addressed to Messrs. D. Appleton & Co., 200 Broadway, New-York. The Committee desire to express publicly their thanks to Mr. Austen and the Messrs. Appleton for their liberal offers.